is properly no failure of consideration as long as the estate continues. *Hill* v. *Woodman*, 14 Mo. 38. Since the lessee's estate is unimpaired, the principal case is clearly right. *Miller* v. *Maguire*, 18 R. I. 770. *Cf. Parks* v. *Boston*, 15 Pick. (Mass.) 198. The prevention of unjust resuits from this doctrine should be left to legislation. *Cf. Suydam* v. *Jackson*, 54 N. Y. 450.

LARCENY — PROPERTY SUBJECT TO LARCENY — UNINDORSED CHECKS. — A statute made checks subject to larceny. The defendant was indicted for larceny of an unindorsed check payable to a third party. *Held*, that in determining the value of the stolen property, the face value of the check is to be taken. *State* v. *McClellan*, 73 Atl. 993 (Vt.).

At common law a check could not be stolen, as it was merely evidence of a chose in action. *Culp* v. *State*, 1 Port. (Ala.) 33. But this rule has been almost universally changed by statutes applying to all commercial paper. The Vermont statute simply says that one who steals the check of another is guilty of larceny. VT. P. S. 5755. The guilt of the defendant seems to depend more on the fact that the check is of value to the owner than that the thief would be benefited by it. Thus one who steals an invalid note is not guilty of larceny. *Wilson* v. *State*, 1 Port. (Ala.) 118. And the same rule applies to the theft of a non-negotiable note given in pursuance of an invalid contract. *People* v. *Hall*, 74 Hun (N. Y.) 96. But if the instrument would be valid in the hands of some one, it does not seem necessary that the defendant should find it of value. *Phelps* v. *People*, 72 N. Y. 334. By the statute, the check becomes a thing of value in itself. So in the principal case the defendant, by taking the check, deprived the payee of something of value and was therefore rightly convicted.

LEGACIES AND DEVISES — TITLE AND RIGHTS OF DEVISEES AND LEGATEES — DIVIDENDS ON SPECIFIC LEGACY ERRONEOUSLY TRANSFERRED. — A testator made a will bequeathing certain specific shares of stock to the defendants. After probate of the will the shares were transferred by the executors, and the defendants received several dividends thereon. A codicil was later discovered, bequeathing a portion of these shares to the plaintiff. The original probate was revoked, and a fresh probate of the will and codicil granted. The plaintiff now seeks to recover not only his portion of the shares but all dividends received thereon since the testator's death. *Held*, that the plaintiff can recover both shares and dividends. *West* v. *Roberts*, [1909] 2 Ch. 180. See NOTES, p. 215.

LIBEL AND SLANDER — PLEADING AND PROOF — LIBEL WITHOUT INTENT. — A newspaper published an imaginary account of a supposedly fictitious character. The name used was that of the plaintiff, a prominent barrister of the locality, whose friends reasonably believed that he was the person referred to. The defendant did not intend to refer to the plaintiff, and had no intention of libelling any one. The plaintiff brought action for libel. *Held*, that he can recover. *Jones* v. *Hutton & Co.*, L. R. (1909) 2 K. B. 444. See NOTES, p. 218.

PATENTS — INFRINGEMENT — CONTRIBUTING TO VIOLATION OF LICENSE. — The complainant sold patented sealing machines on condition that they be used only with seals made by the complainant, but not protected by patent. The defendant, with knowledge of these facts, sold seals of its own manufacture for use on these machines. *Held*, that the sale can be enjoined. *Crown Cork & Seal Co.* v. *Brooklyn Bottle Stopper Co.*, 172 Fed. 224 (Circ. Ct., E. D., N. Y.).

A patentee may impose restrictions on the use of his product when he sells it. *Victor Talking Machine Co.* v. *The Fair*, 123 Fed. 424; *Bement* v. *National Harrow Co.*, 186 U. S. 70. (A different rule prevails as to copyrights. See 22 HARV. L. REV. 228.) Thus a stipulation that all supplies used with a patented machine shall be purchased from the patentee is valid, though the supplies are unpatented. *Heaton-Peninsular Button-Fastener Co.* v. *Eureka Specialty Co.*, 77